

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 62**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Health, Mental Health, Seniors and Families, March 10, 2011, with recommendation that the Senate Committee Substitute do pass.

0521S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 191.227, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 191.227, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other  
2 duly licensed practitioners in this state, herein called "providers", shall, upon  
3 written request of a patient, or guardian or legally authorized representative of  
4 a patient, furnish a copy of his or her record of that patient's health history and  
5 treatment rendered to the person submitting a written request, except that such  
6 right shall be limited to access consistent with the patient's condition and sound  
7 therapeutic treatment as determined by the provider. Beginning August 28,  
8 1994, such record shall be furnished within a reasonable time of the receipt of the  
9 request therefor and upon payment of a fee as provided in this section.

10 2. Health care providers may condition the furnishing of the patient's  
11 health care records to the patient, the patient's authorized representative or any  
12 other person or entity authorized by law to obtain or reproduce such records upon  
13 payment of a fee for:

14 (1) Copying, in an amount not more than seventeen dollars and five cents  
15 plus forty cents per page for the cost of supplies and labor;

16 (2) Postage, to include packaging and delivery cost; [and]

17 (3) Notary fee, not to exceed two dollars, if requested; **and**

18 (4) **Any retrieval fee charged by an outsourced records storage**  
19 **service with which the health care provider has contracted for off-site**  
20 **records storage and management. But in no case shall the cost of the**

21 **retrieval fee exceed the cost of the fees in subdivisions (1) through (3)**  
22 **of this subsection.**

23           3. Notwithstanding provisions of this section to the contrary, providers  
24 may charge for the reasonable cost of all duplications of health care record  
25 material or information which cannot routinely be copied or duplicated on a  
26 standard commercial photocopy machine.

27           4. The transfer of the patient's record done in good faith shall not render  
28 the provider liable to the patient or any other person for any consequences which  
29 resulted or may result from disclosure of the patient's record as required by this  
30 section.

31           5. Effective February first of each year, the fees listed in subsection 2 of  
32 this section shall be increased or decreased annually based on the annual  
33 percentage change in the unadjusted, U.S. city average, annual average inflation  
34 rate of the medical care component of the Consumer Price Index for All Urban  
35 Consumers (CPI-U). The current reference base of the index, as published by the  
36 Bureau of Labor Statistics of the United States Department of Labor, shall be  
37 used as the reference base. For purposes of this subsection, the annual average  
38 inflation rate shall be based on a twelve-month calendar year beginning in  
39 January and ending in December of each preceding calendar year. The  
40 department of health and senior services shall report the annual adjustment and  
41 the adjusted fees authorized in this section on the department's Internet website  
42 by February first of each year.

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